V.

USHER OF THE COURT OF EXCHEQUER, IRELAND.

COPY OF THE CERTIFICATE

Filed by the Commissioners of Inquiry into the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of Justice, in all Temporal and Ecclesiastical Courts in Ireland, in the Office of the Auditor General in Ireland; in the case of the Claim of the USHER of the Court of Exchequer in Ireland, for Compensation, in pursuance of the Act 1 & 2 Geo. 4, c. 53.

Ordered, by The House of Commons, *to be Printed*, 28 *May* 1823.

IN pursuance of the 67th section of the Act of the 1st and 2d Geo. 4, c. 53, We, His Majesty's Commissioners, appointed to inquire into the Duties, Salaries and Emoluments of tbe Officers, Clerks and Ministers of Justice, in all Temporal and Ecclesiastical Conrts in Ireland, have proceeded to investigate the Fees and Emoluments of the Usher of the Court of Exchequer, in the manner appointed by the said Act.

In approaching this our duty, we have been called npon, under the obligation of our oath, severally to construe the Act, according to the hest of our skill and judgment. Our most attentive consideration of this Act, has not enabled us to adopt an unanimous opinion of its just construction: We have, therefore, thought it right to state two distinct views which have been taken in construing the Act, and to accompany our exposition of those views by separate Schedules, adapted to each.

To some of us it appears to have been the intention of the Legislature, according to the true construction of tbe Act, that the rights of the Ushers should be measured with reference to the Fees which were actually taken in the office, previous to the time when the present officers came into possession, and for more than twenty years prior to the commencement of the Act of the 1st and 2d Geo. 4, c. 33, and which have since continued in use, and from Fees legally warranted, introduced since the appointment of the present officers, excluding such Fees as have been introduced, and such increases as have been made by the present acting officer, without legal authority.

The Schedule, N° 1, exhibits the Fees to be allowed and disallowed nnder this construction of tbe Act, and the net income of the Ushers, so estimated, would be Seven hundred and sixty-eight pounds six shillings and one penny, yearly.

It having appeared, in investigating the Fees and Emoluments, in order to ascertain the rights of the Usher, according to the provision of the 67th section

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of the Act, that the Fees of this office were regulated by a commission under royal warrant, in the year 1635, and that the Fees set forth in the list delivered by the Usher in the year 1718, in obedience to the Act of the 4th Geo. 1st, c. 8, and published by order of the House of Lords, in the year 1734, agreed, with few exceptions, with those stated in a list extant, of the Fees so established in 1635; and, it having also appeared, that the list returned under the above statute, has been resorted to within the official experience of the present acting officer, as an authority; and, that several, and amongst them the most productive, of the continuing claims, correspond with that list. Other members of our Board are of opinion, that the rights of the Usher are established and concluded by the above-mentioned lists, so far as they apply to subsisting practice, and that the several additions to the rates of the Fees therein set forth (many of which have been made by the present acting officer, either as deputy or principal) must be considered as exactions, not forming any part of the rights of the Usher, and inadmissible under the provisions of this Act.

The Schedule, N° 2, exhibits the Fees to be allowed and disallowed, under this construction of the Act, and the amount of the net income of the Ushers, so estimated, would be Seven hundred and eleven pounds four shillings and four pence, yearly.

	DAN^L W. WEBBER.	(L. S.)
Office of Inquiry, Dublin,	BERTRAM MITFORD.	(L. S.)
21st May 1823.	T. P. DICKENSON.	(L. S.)
	JOHN DOHERTY.	(L. S.)
	JOHN PLUNKET.	(L. S.)

Note.—The References in the Schedule, N° 1, are to the Evidence herewith sent, or heretofore printed, on which the Certificate is founded.

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SCHEDULES.

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